IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4088 of 2006(A)

CRA.20/2006 of ADDL. SESSIONS COURT, FAST TRACK COURT(ADHOC)-II, ALAPPUZHA
ST.1641/2004 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA
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REVN. PETITIONER/ APPELLANT/ACCUSED:

K.T. SUDHAMANI,
VANITHA SUB-INSPECTOR OF POLICE,
CRIME DETACHMENT OFFICE,
CIVIL STATION, KOTTAYAM.

BY ADV. SRI.M.P. MADHAVANKUTTY

RESPONDENTS/RESPONDENTS/ STATE & COMPLAINANT:
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. K.K. JOSEPH, KALLUPURACKAL HOUSE,
PUNNAPRA P.O., ALAPPUZHA.

R1 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU
R2 BY ADV. SRI.MATHEW JAMES

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL.R.P. 4088 OF 2006

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Dated this the 6th December, 2006

O R D E R

The petitioner was found guilty under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months. The conviction and sentence was challenged by the petitioner in appeal. The appeal was partly allowed and while confirming the conviction, the sentence was modified and reduced to simple imprisonment for three months.

2. Crl.M.A.No. 12596 of 2006 filed by the parties under section 147 of the Negotiable Instruments Act was allowed.

In the result, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL.M.A.NO. 12596 OF 2006 IN
CRL. R.P. 4088 OF 2006

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Dated this the 6th December, 2006

O R D E R

The petitioner/accused and the second respondent/ complainant have filed this application jointly under section 147 of the Negotiable Instruments Act seeking leave to compound the offence under section 138 of the Negotiable Instruments Act . In the application, it is stated that the dispute is settled between the parties. The application is allowed.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL.R.P. 4088 OF 2006

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Dated this the 23rd November , 2006

O R D E R

Learned counsel for the petitioner submits that the petitioner is prepared to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) for which the cheque is alleged to have been issued.

Admit. Issue notice to the second respondent by special messenger. Public Prosecutor takes notice for the first respondent. Call for the records.

Post the Crl. Revision Petition on 30.11.2006.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL.M.A. NO. 11744 OF 2006
IN CRL. R.P. 4088 OF 2006

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Dated this the 23rd November , 2006

O R D E R

Execution of sentence is suspended on condition that the petitioner shall execute a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of court of the Judicial Magistrate of the First Class, Ambalappuzha and also on condition that the petitioner shall deposit a sum of Rs. 1,00,000/- (Rupees one lakh only) before the trial court within a period of two months.

The question whether the conviction is to be suspended will be decided after hearing the second respondent.

K.T. SANKARAN,
JUDGE.

lk